

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES: 9

NO: 0

MR. SPEAKER:

Your Committee on **Family, Children and Human Affairs**, to which was referred Senate Bill 529, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 5, between lines 35 and 36, begin a new paragraph and insert:
- 2 "SECTION 6. IC 10-13-3-6 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) As used in this
- 4 chapter, "criminal justice agency" means any agency or department of
- 5 any level of government whose principal function is:
- 6 (1) the apprehension, prosecution, adjudication, incarceration,
- 7 probation, rehabilitation, or representation of criminal offenders;
- 8 (2) the location of parents with child support obligations under 42
- 9 U.S.C. 653;
- 10 (3) the licensing and regulating of riverboat gambling operations;
- 11 or
- 12 (4) the licensing and regulating of pari-mutuel horse racing
- 13 operations.
- 14 (b) The term includes the following:
- 15 (1) The office of the attorney general.
- 16 (2) The Medicaid fraud control unit, for the purpose of

investigating offenses involving Medicaid.

(3) A nongovernmental entity that performs as its principal function the:

(A) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders;

(B) location of parents with child support obligations under 42 U.S.C. 653;

(C) licensing and regulating of riverboat gambling operations; or

(D) licensing and regulating of pari-mutuel horse racing operations;

under a contract with an agency or department of any level of government.

~~(4) The division of family and children or a juvenile probation officer conducting a criminal history check (as defined in IC 31-9-2-29.7) under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:~~

~~(A) child at imminent risk of placement;~~

~~(B) child in need of services; or~~

~~(C) delinquent child.~~

SECTION 7. IC 10-13-3-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7.5. As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by the department of child services established by IC 31-33-1.5-2 or a court as a result of exigent circumstances, including an out-of-home placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability of the child's parent, guardian, or custodian. The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.**

SECTION 8. IC 10-13-3-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12.5. As used in this chapter, "national name based criminal history record check" means a query of the Interstate Identification Index data base maintained by the Federal Bureau of Investigation that:**

(1) is conducted using the subject's name; and

1 **(2) does not use fingerprint identification or another method**
 2 **of positive identification.**

3 SECTION 9. IC 10-13-3-27 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) Except as
 5 provided in subsection (b), on request, law enforcement agencies shall
 6 release or allow inspection of a limited criminal history to noncriminal
 7 justice organizations or individuals only if the subject of the request:

- 8 (1) has applied for employment with a noncriminal justice
- 9 organization or individual;
- 10 (2) has applied for a license and criminal history data as required
- 11 by law to be provided in connection with the license;
- 12 (3) is a candidate for public office or a public official;
- 13 (4) is in the process of being apprehended by a law enforcement
- 14 agency;
- 15 (5) is placed under arrest for the alleged commission of a crime;
- 16 (6) has charged that the subject's rights have been abused
- 17 repeatedly by criminal justice agencies;
- 18 (7) is the subject of a judicial decision or determination with
- 19 respect to the setting of bond, plea bargaining, sentencing, or
- 20 probation;
- 21 (8) has volunteered services that involve contact with, care of, or
- 22 supervision over a child who is being placed, matched, or
- 23 monitored by a social services agency or a nonprofit corporation;
- 24 **(9) is currently residing in a location designated by the**
- 25 **department of child services established by IC 31-33-1.5-2 or**
- 26 **by a juvenile court as the out-of-home placement for a child**
- 27 **at the time the child will reside in the location;**
- 28 ~~(9)~~ **(10)** has volunteered services at a public school (as defined in
- 29 IC 20-10.1-1-2) or nonpublic school (as defined in
- 30 IC 20-10.1-1-3) that involve contact with, care of, or supervision
- 31 over a student enrolled in the school;
- 32 ~~(10)~~ **(11)** is being investigated for welfare fraud by an investigator
- 33 of the division of family and children or a county office of family
- 34 and children;
- 35 ~~(11)~~ **(12)** is being sought by the parent locator service of the child
- 36 support bureau of the division of family and children;
- 37 ~~(12)~~ **(13)** is or was required to register as a sex and violent
- 38 offender under IC 5-2-12; or

~~(13)~~ (14) has been convicted of any of the following:

- (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 10. IC 10-13-3-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 27.5. (a) If:**

- (1) exigent circumstances require the emergency placement of a child; and**
- (2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;**

1 upon request of the department of child services established by
2 IC 31-33-1.5-2, a caseworker, or a juvenile probation officer, the
3 department may conduct a national name based criminal history
4 record check of each individual who is currently residing in the
5 location designated as the out-of-home placement at the time the
6 child will reside in the location. The department shall promptly
7 transmit a copy of the report it receives from the Interstate
8 Identification Index to the agency or person that submitted a
9 request under this section.

10 (b) Not later than seventy-two (72) hours after the department
11 of child services, the caseworker, or the juvenile probation officer
12 receives the results of the national name based criminal history
13 record check, the department of child services, the caseworker, or
14 the juvenile probation officer shall provide the department with a
15 complete set of fingerprints for each individual who is currently
16 residing in the location designated as the out-of-home placement at
17 the time the child will be placed in the location. The department
18 shall:

19 (1) use fingerprint identification to positively identify each
20 individual who is currently residing in the location designated
21 as the out-of-home placement at the time the child will reside
22 in the location; or

23 (2) submit the fingerprints to the Federal Bureau of
24 Investigation not later than fifteen (15) days after the date on
25 which the national name based criminal history record check
26 was conducted.

27 The child shall be removed from the location designated as the
28 out-of-home placement if an individual who is currently residing in
29 the location designated as the out-of-home placement at the time
30 the child will reside in the location fails to provide a complete set of
31 fingerprints to the department of child services, the caseworker, or
32 the juvenile probation officer.

33 (c) The department and the person or agency that provided
34 fingerprints shall comply with all requirements of 42 U.S.C. 5119a
35 and any other applicable federal law or regulation regarding:

36 (1) notification to the subject of the check; and

37 (2) the use of the results obtained based on the check of the
38 person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

- (1) department; and
- (2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

- (1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or
- (2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 11. IC 10-13-3-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 39. (a) The department is designated as the authorized agency to receive requests for, process, and disseminate the results of national criminal history background checks that comply with this section and 42 U.S.C. 5119a.

(b) A qualified entity may contact the department to request a national criminal history background check on any of the following persons:

- (1) A person who seeks to be or is employed with the qualified

1 entity. A request under this subdivision must be made not later
2 than three (3) months after the person is initially employed by the
3 qualified entity.

4 (2) A person who seeks to volunteer or is a volunteer with the
5 qualified entity. A request under this subdivision must be made
6 not later than three (3) months after the person initially volunteers
7 with the qualified entity.

8 (c) A qualified entity must submit a request under subsection (b) in
9 the form required by the department and provide a set of the person's
10 fingerprints and any required fees with the request.

11 (d) If a qualified entity makes a request in conformity with
12 subsection (b), the department shall submit the set of fingerprints
13 provided with the request to the Federal Bureau of Investigation for a
14 national criminal history background check for convictions described
15 in IC 20-5-2-8. The department shall respond to the request in
16 conformity with:

- 17 (1) the requirements of 42 U.S.C. 5119a; and
- 18 (2) the regulations prescribed by the Attorney General of the
- 19 United States under 42 U.S.C. 5119a.

20 (e) This subsection applies to a qualified entity that:

- 21 (1) is not a school corporation or a special education cooperative;
- 22 or
- 23 (2) is a school corporation or a special education cooperative and
- 24 seeks a national criminal history background check for a
- 25 volunteer.

26 After receiving the results of a national criminal history background
27 check from the Federal Bureau of Investigation, the department shall
28 make a determination whether the applicant has been convicted of an
29 offense described in IC 20-5-2-8 and convey the determination to the
30 requesting qualified entity.

31 (f) This subsection applies to a qualified entity that:

- 32 (1) is a school corporation or a special education cooperative; and
- 33 (2) seeks a national criminal history background check to
- 34 determine whether to employ or continue the employment of a
- 35 certificated employee or a noncertificated employee of a school
- 36 corporation or an equivalent position with a special education
- 37 cooperative.

38 After receiving the results of a national criminal history background

check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-5-2-8 with the school corporation or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity (as defined in IC 10-13-3-16) that is a public agency under IC 5-14-1.5-2(a)(1). After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall provide a copy to the public agency. Except as permitted by federal law, the public agency may not share the information contained in the national criminal history background check with a private agency."

Page 6, line 15, delete "IC 31-33-1.5." and insert "**IC 31-33-1.5-2.**".

Page 8, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 21. IC 12-13-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall administer the following:

(1) The Community Services Block Grant under 42 U.S.C. 9901 et seq.

(2) The Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.

(3) The United States Department of Energy money under 42 U.S.C. 6851 et seq.

(4) The domestic violence prevention and treatment fund under IC 12-18-4.

(5) The Child Care and Development Block Grant under ~~42 U.S.C. 658 et seq.~~ **42 U.S.C. 9858 et seq.**

(6) Title IV-B of the federal Social Security Act under ~~42 U.S.C. 620 et seq.~~

(7) Title IV-E of the federal Social Security Act under ~~42 U.S.C. 670 et seq.~~

(8) **(6)** The federal Food Stamp Program under 7 U.S.C. 2011 et seq.

~~(9)~~ **(7)** The Social Services Block Grant under 42 U.S.C. 1397 et

- 1 seq.
- 2 ~~(10)~~ **(8)** Title IV-A of the federal Social Security Act.
- 3 ~~(11)~~ **(9)** Any other funding source:
- 4 (A) designated by the general assembly; or
- 5 (B) available from the federal government under grants that are
- 6 consistent with the duties of the division.

7 SECTION 22. IC 12-13-7-2 IS AMENDED TO READ AS

8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The division is the

9 single state agency responsible for administering the following:

- 10 (1) The Child Care and Development Block Grant under ~~42~~
- 11 ~~U.S.C. 658 et seq.~~ **42 U.S.C. 9858 et seq.** The division shall apply
- 12 to the United States Department of Health and Human Services
- 13 for a grant under the Child Care Development Block Grant.
- 14 ~~(2) Title IV-B of the federal Social Security Act under 42 U.S.C.~~
- 15 ~~620 et seq.~~
- 16 ~~(3) Title IV-E of the federal Social Security Act under 42 U.S.C.~~
- 17 ~~670 et seq.~~
- 18 ~~(4)~~ **(2)** The federal Food Stamp Program under 7 U.S.C. 2011 et
- 19 seq.
- 20 ~~(5)~~ **(3)** The federal Social Services Block Grant under 42 U.S.C.
- 21 1397 et seq.

22 SECTION 23. IC 12-13-15-6 IS AMENDED TO READ AS

23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. **(a)** A child fatality

24 review consists of determining:

- 25 (1) whether similar future deaths could be prevented; and
- 26 (2) agencies or resources that should be involved to adequately
- 27 prevent future deaths of children.

28 **(b) In conducting the child fatality review under subsection (a),**

29 **the local child fatality review team shall review every record**

30 **concerning the deceased child that is held by the department of**

31 **child services.**

32 SECTION 24. IC 12-13-15.1-7 IS AMENDED TO READ AS

33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. **(a)** A child fatality

34 review conducted by the statewide child fatality review committee

35 under this chapter must consist of determining:

- 36 (1) whether similar future deaths could be prevented; and
- 37 (2) agencies or resources that should be involved to adequately
- 38 prevent future deaths of children.

1 **(b) In conducting the child fatality review under subsection (a),**
2 **the statewide child fatality review committee shall review every**
3 **record concerning the deceased child that is held by:**

- 4 **(1) the department of child services; or**
5 **(2) a local child fatality review team.**

6 SECTION 25. IC 12-13-16 IS ADDED TO THE INDIANA CODE
7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2005]:

9 **Chapter 16. Children's Social, Emotional, and Behavioral**
10 **Health Plan**

11 **Sec. 1. (a) The department of education, in cooperation with the**
12 **department of child services, the department of correction, and the**
13 **division of mental health and addiction, shall develop and**
14 **coordinate the children's social, emotional, and behavioral health**
15 **plan that is to provide recommendations concerning:**

- 16 **(1) comprehensive mental health services;**
17 **(2) early intervention; and**
18 **(3) treatment services;**

19 **for individuals from birth through twenty-two (22) years of age.**

20 **(b) The department of education, in cooperation with the**
21 **department of child services, the department of correction, and the**
22 **division of mental health and addiction, shall adopt joint rules**
23 **under IC 4-22-2 concerning the children's social, emotional, and**
24 **behavioral health plan.**

25 **(c) The department of education, in cooperation with the**
26 **department of child services, the department of correction, and the**
27 **division of mental health and addiction, shall conduct hearings on**
28 **the implementation of the plan before adopting joint rules under**
29 **this chapter.**

30 **Sec. 2. The children's social, emotional, and behavioral health**
31 **plan shall recommend:**

- 32 **(1) procedures for the identification and assessment of social,**
33 **emotional, and mental health issues;**
34 **(2) procedures to assist a child and the child's family to attain**
35 **necessary services to treat social, emotional, and mental health**
36 **issues;**
37 **(3) procedures to coordinate provider services and**
38 **interagency referral networks for an individual from birth**

- 1 through twenty-two (22) years of age;
- 2 (4) guidelines for incorporating social, emotional, and
- 3 behavioral development into school learning standards and
- 4 education programs;
- 5 (5) that social, emotional, and mental health screening be
- 6 included as a part of routine examinations in schools and by
- 7 health care providers;
- 8 (6) procedures concerning the positive development of
- 9 children, including:
 - 10 (A) social, emotional, and behavioral development;
 - 11 (B) learning; and
 - 12 (C) behavioral health;
- 13 (7) plans for creating a children's social, emotional, and
- 14 behavioral health system with shared accountability among
- 15 state agencies that will:
 - 16 (A) conduct ongoing needs assessments;
 - 17 (B) use outcome indicators and benchmarks to measure
 - 18 progress; and
 - 19 (C) implement quality data tracking and reporting
 - 20 systems;
- 21 (8) a state budget for children's social, emotional, and mental
- 22 health prevention and treatment;
- 23 (9) how state agencies and local entities can obtain federal
- 24 funding and other sources of funding to implement a
- 25 children's social, emotional, and behavioral health plan;
- 26 (10) how to maintain and expand the workforce to provide
- 27 mental health services for individuals from birth through
- 28 twenty-two (22) years of age and families;
- 29 (11) how employers of mental health professionals may:
 - 30 (A) improve employee job satisfaction; and
 - 31 (B) retain employees;
- 32 (12) how to facilitate research on best practices and model
- 33 programs for children's social, emotional, and behavioral
- 34 health;
- 35 (13) how to disseminate research and provide training and
- 36 educational materials concerning the children's social,
- 37 emotional, and behavioral health program to:
 - 38 (A) policymakers;

- 1 **(B) practitioners; and**
- 2 **(C) the general public; and**
- 3 **(14) how to implement a public awareness campaign to:**
 - 4 **(A) reduce the stigma of mental illness; and**
 - 5 **(B) educate individuals:**
 - 6 **(i) about the benefits of children's social, emotional, and**
 - 7 **behavioral development; and**
 - 8 **(ii) how to access children's social, emotional, and**
 - 9 **behavioral development services.**

10 SECTION 26. IC 12-14-25.5-3 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) Family
 12 preservation services may provide:

- 13 (1) comprehensive, coordinated, flexible, and accessible services;
- 14 (2) intervention as early as possible with emphasis on establishing
- 15 a safe and nurturing environment;
- 16 (3) services to families who have members placed in care settings
- 17 outside the nuclear family; and
- 18 (4) planning options for temporary placement outside the family
- 19 if it would endanger the child to remain in the home.

20 (b) Unless authorized by a juvenile court, family preservation
 21 services may not include a temporary out-of-home placement if a
 22 person who:

- 23 (1) is currently residing in the location designated as the
- 24 out-of-home placement; or
- 25 (2) in the reasonable belief of family preservation services is
- 26 expected to be residing in the location designated as the
- 27 out-of-home placement during the time the child at imminent risk
- 28 of placement would be placed in the location;

29 has committed an act resulting in a substantiated report of child abuse
 30 or neglect or has a juvenile adjudication or a conviction for a felony
 31 listed in IC 12-17.4-4-11.

32 (c) Before placing a child at imminent risk of placement in a
 33 temporary out-of-home placement, the county office of family and
 34 children shall conduct a criminal history check (as defined in
 35 ~~IC 31-9-2-29.7~~ **IC 31-9-2-22.5**) for each person described in
 36 subsection (b)(1) and (b)(2). However, the county office of family and
 37 children is not required to conduct a criminal history check under this
 38 section if the temporary out-of-home placement is made to an entity or

1 facility that is not a residence (as defined in IC 3-5-2-42.5) or that is
2 licensed by the state.

3 SECTION 27. IC 12-17-2-18 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The bureau
5 shall make the agreements necessary for the effective administration of
6 the plan with local governmental officials within Indiana. The bureau
7 shall contract with:

8 (1) a prosecuting attorney; ~~or~~

9 (2) a private attorney if the bureau determines that a reasonable
10 contract cannot be entered into with a prosecuting attorney and the
11 determination is approved by at least two-thirds (2/3) of the
12 Indiana child custody and support advisory committee
13 (established by IC 33-24-11-1); **or**

14 **(3) a collection agency licensed under IC 25-11 to collect**
15 **arrearages on child support orders pursuant to which**
16 **collections have not been made on arrearages for at least two**
17 **(2) years;**

18 in each judicial circuit to undertake activities required to be performed
19 under Title IV-D of the federal Social Security Act (42 U.S.C. 651),
20 including establishment of paternity, establishment, enforcement, and
21 modification of child support orders, activities under the Uniform
22 Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal)
23 or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5
24 before its repeal), and if the contract is with a prosecuting attorney,
25 prosecutions of welfare fraud.

26 (b) The hiring of an attorney by an agreement or a contract made
27 under this section is not subject to the approval of the attorney general
28 under IC 4-6-5-3. An agreement or a contract made under this section
29 is not subject to IC 4-13-2-14.3 or IC 5-22.

30 (c) Subject to section 18.5 of this chapter, a prosecuting attorney
31 with which the bureau contracts under subsection (a):

32 **(1) may contract with a ~~private organization~~ collection agency**
33 **licensed under IC 25-11 to provide child support enforcement**
34 **services; and**

35 **(2) shall contract with a collection agency licensed under**
36 **IC 25-11 to collect arrearages on child support orders**
37 **pursuant to which collections have not been made on**
38 **arrearages for at least two (2) years.**

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time that an application for child support services is made, the applicant must be informed that:

(1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and

(2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

SECTION 28. IC 12-17-2-18.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18.5. (a) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 18 of this chapter to contract with a ~~private organization~~ **collection agency licensed under IC 25-11** to provide child support enforcement services.

(b) The bureau ~~may shall: establish:~~

(1) **establish** a list of approved ~~private organizations~~ **collection agencies** with which a prosecuting attorney may contract under this section; ~~and~~

(2) **establish** requirements for participation in the program established under this section to assure:

(A) effective administration of the plan; and

(B) compliance with all federal and state statutes, regulations, and rules;

(3) **update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and**

(4) **preapprove or approve all contracts between a collection agency and a prosecuting attorney.**

(c) A contract between a prosecuting attorney and a ~~private organization~~ **collection agency** under this section must include the

1 following provisions:

2 (1) A provision that records of a contractor operated child support
3 enforcement system are subject to inspection and copying to the
4 same extent the records would be subject to inspection and
5 copying if the contractor were a public agency under IC 5-14-3.

6 (2) A provision that records that are provided by a contractor to
7 the prosecuting attorney that relate to compliance by the
8 contractor with the terms of the contract are subject to inspection
9 and copying in accordance with IC 5-14-3.

10 (d) Not later than July 1, ~~2001~~, **2006**, the bureau shall provide the
11 legislative council with a report:

12 (1) evaluating the effectiveness of the program established under
13 this section; **and**

14 (2) **evaluating the impact of arrearage reductions for child**
15 **support orders pursuant to which collection agencies have**
16 **collected under IC 12-17-2-18(c).**

17 (e) The bureau is not liable for any costs related to a contract entered
18 into under this section that are disallowed for reimbursement by the
19 federal government under the Title IV-D program of the federal Social
20 Security Act.

21 (f) The bureau shall treat costs incurred by a prosecuting attorney
22 under this section as administrative costs of the prosecuting attorney.

23 **(g) Contracts between a collection agency licensed under**
24 **IC 25-11 and the bureau:**

25 **(1) shall be one (1) year renewable contracts; and**

26 **(2) may be negotiable contingency contracts in which a**
27 **collection agency may not collect a fee that exceeds fifteen**
28 **percent (15%) of the arrearages collected per case."**

29 Page 8, between lines 35 and 36, begin a new paragraph and insert:

30 "SECTION 30. IC 12-17.4-2-9 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. A waiver or variance
32 granted under section 8 of this chapter and a waiver or variance
33 renewed under section 10 of this chapter expires on the earlier of the
34 following:

35 (1) The date when the license affected by the waiver or variance
36 expires.

37 (2) The date set by the division for the expiration of the waiver or
38 variance.

(3) The occurrence of the event set by the division for the expiration of the waiver or variance.

(4) ~~Two (2)~~ **Four (4)** years after the date that the waiver or variance becomes effective.

SECTION 31. IC 12-17.4-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A license for a child caring institution expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the division.

(c) When a licensee submits a timely application for renewal, the current license shall remain in effect until the division issues a license or denies the application.

(d) A current license must be publicly displayed.

SECTION 32. IC 12-17.4-4-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) A person may not operate a therapeutic foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The division may only issue a license for a therapeutic foster family home that meets:

(1) all of the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a therapeutic foster family home license must do the following:

(1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.

(2) Participate in ~~thirty (30) hours of~~ pre-service training that includes:

(A) ~~twenty (20) hours of~~ pre-service training to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(B) ~~ten (10) hours of~~ additional pre-service training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate in ~~twenty (20) hours of~~ training that includes:

(1) ~~ten (10) hours of~~ training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(2) ~~ten (10) hours of~~ additional training in order to be licensed as a therapeutic foster parent under this chapter.

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The division may grant an exception to this subsection whenever the placement of siblings in the same therapeutic foster family home is desirable or in the best interests of the foster children residing in the home.

(g) The department of child services shall adopt rules under IC 4-22-2 necessary to carry out this section, including rules governing the amount of hours of training required under subsections (d) and (e).

SECTION 33. IC 12-17.4-4-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.7. (a) A person may not operate a special needs foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a special needs foster family home without a license issued under this article.

(c) The division may only issue a license for a special needs foster family home that meets:

(1) all of the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that includes participating in ~~twenty (20) hours of~~ pre-service training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and annually thereafter, participate in ~~twenty (20) hours of~~ training that includes:

(1) ~~ten (10) hours of~~ training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(2) ~~ten (10) hours of~~ additional training that includes specialized training to meet the child's specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

(1) eight (8) individuals, each of whom either:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age and is receiving care and supervision under an order of a juvenile court; or

(2) four (4) individuals less than six (6) years of age;

including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative, receive care and supervision in the home at the same time. Not more than four (4) of the eight (8) individuals described in subdivision (1) may be less than six (6) years of age. The division may grant an exception to this section whenever the division determines that the placement of siblings in the same special needs foster home is desirable.

(g) The division shall consider the specific needs of each special needs foster child whenever the division determines the appropriate number of children to place in the special needs foster home under subsection (f). The division may require a special needs foster family home to provide care and supervision to less than the maximum number of children allowed under subsection (f) upon consideration of the specific needs of a special needs foster child.

(h) The department of child services shall adopt rules under IC 4-22-2 necessary to carry out this section, including rules governing the amount of hours of training required under subsection (e).

SECTION 34. IC 12-17.4-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) A license for a foster family home expires ~~two (2)~~ **four (4)** years after the date of issuance, unless the license is revoked, modified to a probationary or suspended status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the

1 application; and

2 (3) remains the property of the division.

3 (c) A foster family home shall have the foster family home's license
4 available for inspection.

5 (d) If a licensee submits a timely application for renewal, the current
6 license shall remain in effect until the division issues a license or denies
7 the application.

8 SECTION 35. IC 12-17.4-5-11 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) A license for a
10 group home expires ~~two (2)~~ **four (4)** years after the date of issuance,
11 unless the license is revoked, modified to a probationary or suspended
12 status, or voluntarily returned.

13 (b) A license issued under this chapter:

14 (1) is not transferable;

15 (2) applies only to the licensee and the location stated in the
16 application; and

17 (3) remains the property of the division.

18 (c) A current license shall be publicly displayed.

19 (d) If a licensee submits a timely application for renewal, the current
20 license remains in effect until the division issues a license or denies the
21 application.

22 SECTION 36. IC 12-17.4-6-10 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) A license for a
24 child placing agency expires ~~two (2)~~ **four (4)** years after the date of
25 issuance, unless the license is revoked, modified to a probationary or
26 suspended status, or voluntarily returned.

27 (b) A license issued under this chapter:

28 (1) is not transferable;

29 (2) applies only to the licensee and the location stated in the
30 application; and

31 (3) remains the property of the division.

32 (c) A child placing agency shall have the child placing agency's
33 license available for inspection.

34 (d) If a licensee submits a timely application for renewal, the current
35 license shall remain in effect until the division issues a license or denies
36 the application.".

37 Page 10, between lines 11 and 12, begin a new paragraph and insert:

38 "SECTION 39. IC 12-19-2-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The following are not personally liable, except to the state, for an official act done or omitted in connection with the performance of duties under this article:

- (1) The director of the division.
- (2) Officers and employees of the division.
- (3) Officers and employees of a county office.
- (4) The director of the department of child services.**

SECTION 40. IC 12-19-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. An officer or employee of:

- (1)** the division; ~~or of~~
- (2)** a county office; **or**
- (3) the department of child services;**

may administer oaths and affirmations required to carry out the purposes of this article or of any other statute imposing duties on the county office."

Page 11, line 35, strike "appeals" and insert "**makes a request**".

Page 12, line 9, strike "appeals" and insert "**makes a request**".

Page 18, line 15, delete "require" and insert "**allow**".

Page 24, line 15, delete "require" and insert "**allow**".

Page 25, line 13, after "psychiatric" insert "**residential**".

Page 25, line 14, after "psychiatric" insert "**residential**".

Page 25, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 71. IC 25-11-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter, unless the context otherwise requires:

(a) The term "person" means any individual, firm, partnership, limited liability company, or corporation.

(b) The term "collection agency" means and includes all persons engaging directly or indirectly and as a primary or secondary object, business, or pursuit, in soliciting claims for collection, or in the collection of claims owed or due or asserted to be owed or due to another, **including child support arrearages under IC 12-17-2**. The term "collection agency" also means and includes, but shall not be limited to, any person who sells, furnishes, or maintains a letter or written demand service, including stickers or coupon books, designed for the purpose of making demand on any debtor on behalf of any creditor for the payment of any claim wherein the person furnishing or

maintaining such letter or written demand service, including stickers or coupon books, shall sell such services for a stated amount or for a percentage of money collected whether paid to the creditor or to the collection agency, or where such services may be rendered as a part of a membership in such collection agency regardless of whether or not a separate fee or percentage is charged. The term "collection agency" shall also include, but not be limited to, any individual, firm, partnership, limited liability company, or corporation who uses a fictitious name, or any name other than the individual's or entity's name, in the collection of accounts receivable with the intention of conveying to the debtor that a third person has been employed.

(c) The term "claim" means any obligation for the payment of money or its equivalent and any sum or sums owed or due or asserted to be owed or due to another, for which any person may be employed to demand payment and to collect or enforce payment thereof. The term "claim" also includes obligations for the payment of money in the form of conditional sales agreements, notwithstanding that the personal property sold thereunder, for which payment is claimed, may be or is repossessed in lieu of payment.

SECTION 72. IC 31-9-2-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22.5. "Conduct a criminal history check", for purposes of IC 12-14-25.5, IC 31-19, IC 31-33, IC 31-34, IC 31-37, and IC 31-39-2-13.5, means to:**

(1) request the state police department to:

(A) release or allow inspection of a limited criminal history (as defined in IC 10-13-3-11) and juvenile history data (as defined in IC 10-13-4-4) concerning a person who is currently residing in a location designated by the department of child services or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location; and

(B) conduct a:

(i) national fingerprint based criminal history background check in accordance with IC 10-13-3-39; or
(ii) national name based criminal history record check (as defined in IC 10-13-3-12.5) of a person described in clause (A) if the department will be unable to obtain

1 **criminal history information from the National Crime**
 2 **Information Center before the out-of-home placement**
 3 **occurs; and**

4 **(2) collect each:**
 5 **(A) substantiated report of child abuse or neglect reported**
 6 **in a jurisdiction where a probation officer, a caseworker,**
 7 **or the department of child services has reason to believe**
 8 **that a person described in subdivision (1)(A) resided; and**
 9 **(B) adjudication for a delinquent act described in**
 10 **IC 31-37-1-2 reported in a jurisdiction where a probation**
 11 **officer, a caseworker, or the department of child services**
 12 **has reason to believe a person described in subdivision**
 13 **(1)(A) resided."**

14 Page 26, line 2, after "the" insert "**bureau of child support**
 15 **established in the"**.

16 Page 26, line 2, delete "," and insert "**established by**
 17 **IC 31-33-1.5-8;"**.

18 Page 34, line 13, delete "." and insert "**or through electronic or**
 19 **Internet access made available by the state central collection unit."**.

20 Page 34, line 17, delete "through electronic funds".

21 Page 34, line 18, delete "transfer".

22 Page 34, line 20, delete "transfer." and insert "**transfer or other**
 23 **means described in subsection (b)."**.

24 Page 34, between line 22 and 23, begin a new paragraph and insert:
 25 "SECTION 83. IC 31-19-2-7.5 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. **(a) This section**
 27 **does not apply to a petitioner for adoption who provides the**
 28 **licensed child placing agency or county office of family and**
 29 **children with the results of a criminal history check conducted:**

30 **(1) in accordance with IC 31-9-2-22.5; and**
 31 **(2) not more than one (1) year before the date on which the**
 32 **petition is filed.**

33 **(b) Every petitioner for adoption shall submit the necessary**
 34 **information, forms, or consents for:**

35 **(1) a licensed child placing agency; or**
 36 **(2) the county office of family and children;**
 37 **that conducts the inspection and investigation required for adoption of**
 38 **a child under ~~IC 31-19-8-1~~ IC 31-19-8-5 to conduct a criminal history**

1 check (as defined in IC 31-9-2-22.5) of the petitioner as part of its
2 investigation.

3 **(c) The petitioner for adoption shall pay the fees and other costs**
4 **of the criminal history check required under this section.**

5 SECTION 84. IC 31-19-7-1 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** Except:

7 (1) for:

8 (A) a child sought to be adopted by a stepparent;

9 (B) a child sought to be adopted by a ~~blood relative~~
10 **grandparent, an aunt, or an uncle;** or

11 (C) a child received by the petitioner for adoption from an
12 agency outside Indiana with the written consent of the division
13 of family and children; or

14 (2) if the court in its discretion, after a hearing held upon proper
15 notice, has waived the requirement for prior written approval;

16 a child may not be placed in a proposed adoptive home without the
17 prior written approval of a licensed child placing agency or county
18 office of family and children approved for that purpose by the division
19 of family and children.

20 **(b) Except as provided in subsection (d), before giving prior**
21 **written approval for placement in a proposed adoptive home of a**
22 **child who is under the care and supervision of:**

23 **(1) the juvenile court; or**

24 **(2) the department of child services;**

25 **a licensed child placing agency or the department of child services**
26 **shall conduct a criminal history check (as defined in IC 31-9-2-22.5)**
27 **concerning the proposed adoptive parent and any other person**
28 **who is currently residing in the proposed adoptive home.**

29 **(c) The prospective adoptive parent shall pay the fees and other**
30 **costs of the criminal history check required under this section.**

31 **(d) A licensed child placing agency or the department of child**
32 **services is not required to conduct a criminal history check (as**
33 **defined in IC 31-9-2-22.5) if a prospective adoptive parent provides**
34 **the licensed child placing agency or county office of family and**
35 **children with the results of a criminal history check conducted:**

36 **(1) in accordance with IC 31-9-2-22.5; and**

37 **(2) not more than one (1) year before the date on which the**
38 **licensed child placing agency or county office of family and**

1 **children provides written approval for the placement."**

2 Page 35, line 13, delete "Before December 1 of each year," and
3 insert **"One (1) time every three (3) months,"**.

4 Page 35, line 14, delete "general".

5 Page 35, line 15, delete "assembly" and insert **"legislative council"**.

6 Page 35, between lines 17 and 18, begin a new paragraph and insert:
7 **"Sec. 5.5. (a) This section applies after June 30, 2008.**

8 **(b) A child protection caseworker or a child welfare caseworker**
9 **may not be assigned work that exceeds the following maximum**
10 **caseload levels at any time:**

11 **(1) For caseworkers assigned only initial assessments,**
12 **including investigations of an allegation of child abuse or**
13 **neglect, twelve (12) active cases per month per caseworker.**

14 **(2) For caseworkers assigned only ongoing cases, seventeen**
15 **(17) active children per caseworker.**

16 **(3) For caseworkers assigned a combination of initial**
17 **assessments, including investigations of an allegation of child**
18 **abuse or neglect, and ongoing cases under subdivisions (1) and**
19 **(2), four (4) investigations and ten (10) active ongoing cases**
20 **per caseworker.**

21 **(c) The local child protection service shall comply with the**
22 **maximum caseload ratios set forth in subsection (b)."**

23 Page 35, line 21, delete "case workers." and insert **"caseworkers."**

24 Page 35, line 34, delete "IC 31-33." and insert **"this article."**

25 Page 36, line 13, delete "The department is the single state agency
26 in Indiana" and insert **"The child support bureau is created within**
27 **the department of child services. The bureau is"**.

28 Page 36, line 19, delete "department" and insert **"bureau"**.

29 Page 36, line 20, delete "department" and insert **"bureau"**.

30 Page 36, line 23, delete "department's" and insert **"bureau's"**.

31 Page 36, line 24, delete "department" and insert **"bureau"**.

32 Page 36, line 27, delete "department" and insert **"bureau"**.

33 Page 36, line 36, delete "the department or an agent of the
34 department" and insert **"the bureau or an agent of the bureau"**.

35 Page 37, line 14, delete "department" and insert **"bureau"**.

36 Page 37, line 27, delete "department," and insert **"bureau,"**.

37 Page 37, line 28, delete "department's" and insert **"bureau's"**.

38 Page 37, line 36, delete "department" and insert **"bureau"**.

- 1 Page 37, line 42, delete "department" and insert "**bureau**".
- 2 Page 38, line 2, delete "department." and insert "**bureau**".
- 3 Page 38, line 3, delete "department" and insert "**bureau**".
- 4 Page 38, line 5, delete "department." and insert "**bureau**".
- 5 Page 38, line 9, delete "department" and insert "**bureau**".
- 6 Page 38, line 13, delete "department." and insert "**bureau**".
- 7 Page 38, line 14, delete "department," and insert "**bureau**".
- 8 Page 38, line 18, delete "department" and insert "**bureau**".
- 9 Page 38, line 21, delete "department." and insert "**bureau**".
- 10 Page 38, line 26, delete "department" and insert "**bureau**".
- 11 Page 38, line 28, delete "department" and insert "**bureau**".
- 12 Page 38, line 33, after "department's" insert "**or bureau's**".
- 13 Page 38, between lines 33 and 34, begin a new paragraph and insert:
- 14 "**Sec. 12. The department is the single state agency responsible**
- 15 **for administering the following:**
- 16 (1) Title IV-B of the federal Social Security Act under 42
- 17 U.S.C. 620 et seq.
- 18 (2) Title IV-E of the federal Social Security Act under 42
- 19 U.S.C. 670 et seq.
- 20 (3) The federal Child Abuse Prevention and Treatment Act
- 21 under 42 U.S.C. 5106 et seq.
- 22 (4) Any other federal program that provides funds to states
- 23 for services related to the prevention of child abuse and
- 24 neglect, child welfare services, foster care, independent living,
- 25 or adoption services."
- 26 Page 38, line 35, after "2." insert "(a)".
- 27 Page 39, between lines 12 and 13, begin a new paragraph and insert:
- 28 "**(b) This section expires June 30, 2008.**
- 29 SECTION 88. IC 31-33-2-2.1 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2005]: **Sec. 2.1. (a) This section applies after**
- 32 **June 30, 2008.**
- 33 **(b) The department:**
- 34 (1) must have sufficient qualified and trained staff to:
- 35 (A) fulfill the purpose of this article; and
- 36 (B) comply with the maximum caseload ratios for:
- 37 (i) child protection caseworkers; and
- 38 (ii) child welfare caseworkers;

- 1 set forth in IC 31-33-1.5-5.5;
- 2 (2) must be organized to maximize the continuity of
- 3 responsibility, care, and service of individual caseworkers
- 4 toward individual children and families;
- 5 (3) must provide training to representatives of the child
- 6 protective services system regarding the legal duties of the
- 7 representatives, which may consist of various methods of
- 8 informing the representatives of their duties, in order to
- 9 protect the legal rights and safety of children and families
- 10 from the initial time of contact during the investigation
- 11 through treatment; and
- 12 (4) must provide training to representatives of the child
- 13 protective services system regarding the constitutional rights
- 14 of the child's family, including a child's guardian or custodian,
- 15 that is the subject of an investigation of child abuse or neglect
- 16 consistent with the Fourth Amendment to the United States
- 17 Constitution and Article 1, Section 11 of the Constitution of
- 18 the State of Indiana."

19 Page 59, line 4, strike "the death of".

20 Page 59, line 4, strike "determined to be a" and insert "**whose death**

21 **or near fatality may have been the**".

22 Page 59, between lines 5 and 6, begin a new paragraph and insert:

23 **"(b) For purposes of subsection (a), a child's death or near**

24 **fatality may have been the result of abuse, abandonment, or neglect**

25 **if:**

26 (1) an entity described in subsection (a) determines that the

27 child's death is the result of abuse, abandonment, or neglect;

28 or

29 (2) a prosecuting attorney files:

30 (A) an indictment or information; or

31 (B) a complaint alleging the commission of a delinquent

32 act;

33 that, if proven, would cause a reasonable person to believe

34 that the child's death or near fatality may have been the result

35 of abuse, abandonment, or neglect.

36 Upon the request of any person, or upon its own motion, the court

37 exercising juvenile jurisdiction in the county in which the child's

38 death or near fatality occurred shall determine whether the

- 1 **allegations contained in the indictment, information, or complaint**
- 2 **described in subdivision (2), if proven, would cause a reasonable**
- 3 **person to believe that the child's death or near fatality may have**
- 4 **been the result of abuse, abandonment, or neglect."**
- 5 Page 59, line 6, strike "(b)" and insert "(c)".
- 6 Page 59, line 6, delete "," and insert ":
- 7 **(1)".**
- 8 Page 59, line 8, beginning with "(1)" begin a new line double block
- 9 indented.
- 10 Page 59, line 8, strike "(1)" and insert "(A)".
- 11 Page 59, line 8, after "employment," insert **"and telephone**
- 12 **number;**
- 13 **(B)".**
- 14 Page 59, line 12, beginning with "(2)" begin a new line double block
- 15 indented.
- 16 Page 59, line 12, strike "(2)" and insert "(C)".
- 17 Page 59, line 14, beginning with "(3)" begin a new line double block
- 18 indented.
- 19 Page 59, line 14, strike "(3)" and insert "(D)".
- 20 Page 59, line 16, beginning with "(4)" begin a new line double block
- 21 indented.
- 22 Page 59, line 16, strike "(4)" and insert "(E)".
- 23 Page 59, line 17, beginning with "(5)" begin a new line double block
- 24 indented.
- 25 Page 59, line 17, strike "(5)" and insert "(F)".
- 26 Page 59, line 18, strike "a telephone number,".
- 27 Page 59, line 21, delete "." and insert "; **and**".
- 28 Page 59, between lines 21 and 22, begin a new line block indented
- 29 and insert:
- 30 **"(2) "near fatality" has the meaning set forth in 42 U.S.C.**
- 31 **5106a."**
- 32 Page 59, line 22, strike "(c)" and insert "(d)".
- 33 Page 59, line 28, strike "(d)" and insert "(e)".
- 34 Page 59, line 34, strike "(e)" and insert "(f)".
- 35 Page 59, line 35, after "exclude" insert ":
- 36 **(1)".**
- 37 Page 59, line 36, before "of" insert **"described in subsection**
- 38 **(c)(1)(B) through (c)(1)(F)".**

- 1 Page 59, line 36, after "person" insert "; **and**
- 2 **(2) all identifying information of a child less than eighteen (18)**
- 3 **years of age."**
- 4 Page 59, line 36, strike "or other information not relevant to".
- 5 Page 59, strike lines 37 through 40.
- 6 Page 59, line 41, strike "employee of".
- 7 Page 59, line 41, delete "the department."
- 8 Page 59, line 42, strike "(f)" and insert "**(g)**".
- 9 Page 60, line 1, strike "(e)" and insert "**(f)**".
- 10 Page 60, line 6, strike "(g)" and insert "**(h)**".
- 11 Page 60, line 6, strike "(e)" and insert "**(f)**".
- 12 Page 69, between lines 14 and 15, begin a new paragraph and insert:
- 13 "SECTION 166. IC 31-34-4-2 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) If a child alleged
- 15 to be a child in need of services is taken into custody under an order of
- 16 the court under this chapter, the court shall consider placing the child
- 17 with a suitable and willing blood or adoptive relative caretaker,
- 18 including a grandparent, an aunt, an uncle, or an adult sibling, before
- 19 considering any other out-of-home placement.
- 20 (b) Before placing a child in need of services with a blood relative
- 21 or an adoptive relative caretaker, the court may order the division of
- 22 family and children to:
- 23 (1) complete a home study of the relative's home; and
- 24 (2) provide the court with a placement recommendation.
- 25 (c) Except as provided in subsection (e), before placing a child in
- 26 need of services in an out-of-home placement, including placement
- 27 with a blood or an adoptive relative caretaker, the court shall order the
- 28 division of family and children to conduct a criminal history check (**as**
- 29 **defined in IC 31-9-2-22.5**) of each person who is:
- 30 (1) currently residing in the location designated as the
- 31 out-of-home placement; or
- 32 (2) in the reasonable belief of the division of family and children,
- 33 expected to be residing in the location designated as the
- 34 out-of-home placement during the time the child would be placed
- 35 in the location.
- 36 (d) Except as provided in subsection (f), a court may not order an
- 37 out-of-home placement if a person described in subsection (c)(1) or
- 38 (c)(2) has:

(1) committed an act resulting in a substantiated report of child abuse or neglect; or

(2) been convicted of a felony listed in IC 12-17.4-4-11 or had a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult.

(e) The court is not required to order the division of family and children to conduct a criminal history check under subsection (c) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(f) A court may order an out-of-home placement if:

(1) a person described in subsection (c)(1) or (c)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or

(vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the placement is in the best interest of the child.

However, a court may not order an out-of-home placement if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(g) In making its written finding under subsection (f), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable."

Page 70, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 170. IC 31-34-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Before complying with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

(1) If the child is alleged to be a child in need of services:

- (A) under IC 31-34-1-6;
- (B) under IC 31-34-1-10 or IC 31-34-1-11;
- (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
- (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

(2) If the child is alleged to be a child in need of services under:

- (A) IC 31-34-1-1;
- (B) IC 31-34-1-2;
- (C) IC 31-34-1-3;
- (D) IC 31-34-1-4;
- (E) IC 31-34-1-5;
- (F) IC 31-34-1-7; or
- (G) IC 31-34-1-8;

the court ~~may~~ **shall** appoint a guardian ad litem, court appointed special advocate, or both, for the child.

(3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

SECTION 171. IC 31-34-18-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for each person who:

(1) is currently residing in the location designated as the out-of-home placement; or

(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 172. IC 31-34-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~(a) Except as provided in subsection (d), a court may not enter a dispositional decree under subsection (b) if a person who is:~~

(1) currently residing in the location designated as the out-of-home placement; or

(2) reasonably expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location;

has committed an act resulting in a substantiated report of child abuse or neglect; has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. If a criminal history check has not been conducted before a dispositional decree is entered under this section, the court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check in the manner set forth in IC 31-34-18-6.1.

(b) In addition to the factors under section 6 of this chapter, if the court enters a dispositional decree regarding a child in need of services that includes an out-of-home placement, the court shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

(c) The court is not required to order a probation officer or caseworker to conduct a criminal history check under subsection (a) if the court orders an out-of-home placement to an entity or a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

(d) A court may enter a dispositional decree under subsection (b) if:

(1) a person described in subsection (a)(1) or (a)(2) has:

(A) committed an act resulting in a substantiated report of child abuse or neglect; or

(B) been convicted or had a juvenile adjudication for:

(i) reckless homicide (IC 35-42-1-5);

(ii) battery (IC 35-42-2-1) as a Class C or D felony;

(iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;

(iv) arson (IC 35-43-1-1) as a Class C or D felony;

(v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;

(vi) a felony relating to controlled substances under

- 1 IC 35-48-4 as a Class C or D felony; or
- 2 (vii) a felony that is substantially equivalent to a felony
- 3 listed in items (i) through (vi) for which the conviction was
- 4 entered in another state; and
- 5 (2) the court makes a written finding that the person's commission
- 6 of the offense, delinquent act, or act of abuse or neglect described
- 7 in subdivision (1) is not relevant to the person's present ability to
- 8 care for a child, and the dispositional decree is in the best interest
- 9 of the child.

10 However, a court may not enter a dispositional decree if the person has
 11 been convicted of a felony listed in IC 12-17.4-4-11 that is not
 12 specifically excluded under subdivision (1)(B); or has a juvenile
 13 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
 14 if committed by an adult that is not specifically excluded under
 15 subdivision (1)(B):

16 (e) In making its written finding under subsection (d), the court shall
 17 consider the following:

- 18 (1) The length of time since the person committed the offense;
- 19 delinquent act; or act that resulted in the conviction; adjudication;
- 20 or substantiated report of abuse or neglect.
- 21 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 22 (3) Evidence of the person's rehabilitation; including the person's
- 23 cooperation with a treatment plan; if applicable.

24 SECTION 173. IC 31-34-20-1.5 IS AMENDED TO READ AS
 25 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) Except as
 26 provided in subsection (c); (d), the juvenile court may not enter a
 27 dispositional decree placing a child in another home under section 1(3)
 28 of this chapter or awarding wardship to a county office of family and
 29 children that will place the child with a person under section 1(4) of this
 30 chapter if a person who is:

- 31 (1) currently residing in the home in which the child would be
- 32 placed under section 1(3) or 1(4) of this chapter; or
- 33 (2) reasonably expected to be residing in the home in which the
- 34 child would be placed under section 1(3) or 1(4) of this chapter
- 35 during the time the child would be placed in the home;
- 36 has committed an act resulting in a substantiated report of child abuse
- 37 or neglect, has a juvenile adjudication for an act that would be a felony
- 38 listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction

1 for a felony listed in IC 12-17.4-4-11.

2 (b) The juvenile court shall order the probation officer or caseworker
 3 who prepared the predispositional report to conduct a criminal history
 4 check (**as defined in IC 31-9-2-22.5**) to determine if a person described
 5 in subsection (a)(1) or (a)(2) has committed an act resulting in a
 6 substantiated report of child abuse or neglect, has a juvenile
 7 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
 8 if committed by an adult, or has a conviction for a felony listed in
 9 IC 12-17.4-4-11. However, the juvenile court is not required to order
 10 a criminal history check under this section if criminal history
 11 information under IC 31-34-4-2 **or** IC 31-34-18-6.1 **or** ~~IC 31-34-19-7~~
 12 establishes whether a person described in subsection (a)(1) or (a)(2) has
 13 committed an act resulting in a substantiated report of child abuse or
 14 neglect, has a juvenile adjudication for an act that would be a felony
 15 listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction
 16 for a felony listed in IC 12-17.4-4-11.

17 **(c) A probation officer or caseworker is not required to conduct**
 18 **a criminal history check under this section if:**

19 **(1) the probation officer or caseworker is considering only an**
 20 **out-of-home placement to an entity or facility that:**

21 **(A) is not a residence (as defined in IC 3-5-2-42.5); or**

22 **(B) is licensed by the state; or**

23 **(2) placement under this section is undetermined at the time**
 24 **the predispositional report is prepared.**

25 ~~(c)~~ **(d)** A court may enter a dispositional decree placing a child in
 26 another home or award wardship to a county office of family and
 27 children if:

28 (1) a person described in subsection (a)(1) or (a)(2) has:

29 (A) committed an act resulting in a substantiated report of
 30 child abuse or neglect; or

31 (B) been convicted or had a juvenile adjudication for:

32 (i) reckless homicide (IC 35-42-1-5);

33 (ii) battery (IC 35-42-2-1) as a Class C or D felony;

34 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D
 35 felony;

36 (iv) arson (IC 35-43-1-1) as a Class C or D felony;

37 (v) a felony involving a weapon under IC 35-47 or
 38 IC 35-47.5 as a Class C or D felony;

- 1 (vi) a felony relating to controlled substances under
- 2 IC 35-48-4 as a Class C or D felony; or
- 3 (vii) a felony that is substantially equivalent to a felony
- 4 listed in items (i) through (vi) for which the conviction was
- 5 entered in another state; and
- 6 (2) the court makes a written finding that the person's commission
- 7 of the offense, delinquent act, or act of abuse or neglect described
- 8 in subdivision (1) is not relevant to the person's present ability to
- 9 care for a child, and that the dispositional decree placing a child
- 10 in another home or awarding wardship to a county office of family
- 11 and children is in the best interest of the child.

12 However, a court may not enter a dispositional decree placing a child
 13 in another home or award wardship to a county office of family and
 14 children if the person has been convicted of a felony listed in
 15 IC 12-17.4-4-11 that is not specifically excluded under subdivision
 16 (1)(B), or has a juvenile adjudication for an act that would be a felony
 17 listed in IC 12-17.4-4-11 if committed by an adult that is not
 18 specifically excluded under subdivision (1)(B).

19 ~~(d)~~ (e) In making its written finding under subsection ~~(c)~~, (d), the
 20 court shall consider the following:

- 21 (1) The length of time since the person committed the offense,
- 22 delinquent act, or act that resulted in the substantiated report of
- 23 abuse or neglect.
- 24 (2) The severity of the offense, delinquent act, or abuse or neglect.
- 25 (3) Evidence of the person's rehabilitation, including the person's
- 26 cooperation with a treatment plan, if applicable.

27 SECTION 174. IC 31-34-21-7.5 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. (a) Except as
 29 provided in subsection (d), the juvenile court may not approve a
 30 permanency plan under subsection (c)(1)(D), ~~or~~ (c)(1)(E), **or (c)(1)(F)**
 31 if a person who is ~~(1)~~ currently residing with a person described in
 32 subsection (c)(1)(D) or (c)(1)(E) **or in a residence in which the child**
 33 **would be placed under subsection (c)(1)(F)**

34 ~~(2) reasonably expected to be residing with a person described in~~
 35 ~~subsection (c)(1)(D) or (c)(1)(E) during the time the child would~~
 36 ~~be placed in the location;~~
 37 has committed an act resulting in a substantiated report of child abuse
 38 or neglect, has a juvenile adjudication for an act that would be a felony

1 listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction
2 for a felony listed in IC 12-17.4-4-11.

3 (b) The juvenile court shall order the probation officer or caseworker
4 who prepared the predispositional report to conduct a criminal history
5 check **(as defined in IC 31-9-2-22.5)** to determine if a person described
6 in subsection ~~(a)(1) or (a)(2)~~ **(a)** has committed an act resulting in a
7 substantiated report of child abuse or neglect, has a juvenile
8 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
9 if committed by an adult, or has a conviction for a felony listed in
10 IC 12-17.4-4-11. However, the juvenile court is not required to order
11 a criminal history check under this section if criminal history
12 information under IC 31-34-4-2, IC 31-34-18-6.1, ~~IC 31-34-19-7~~, or
13 IC 31-34-20-1.5 establishes whether a person described in subsection
14 ~~(a)(1) or (a)(2)~~ **(a)** has committed an act resulting in a substantiated
15 report of child abuse or neglect, has a juvenile adjudication for an act
16 that would be a felony listed in IC 12-17.4-4-11 if committed by an
17 adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

18 (c) A permanency plan under this chapter includes the following:

19 (1) The intended permanent or long term arrangements for care
20 and custody of the child that may include any of the following
21 arrangements that the court considers most appropriate and
22 consistent with the best interests of the child:

23 (A) Return to or continuation of existing custodial care within
24 the home of the child's parent, guardian, or custodian or
25 placement of the child with the child's noncustodial parent.

26 (B) Initiation of a proceeding by the agency or appropriate
27 person for termination of the parent-child relationship under
28 IC 31-35.

29 (C) Placement of the child for adoption.

30 (D) Placement of the child with a responsible person,
31 including:

32 (i) an adult sibling;

33 (ii) a grandparent;

34 (iii) an aunt;

35 (iv) an uncle; or

36 (v) another relative;

37 who is able and willing to act as the child's permanent
38 custodian and carry out the responsibilities required by the

- 1 permanency plan.
- 2 (E) Appointment of a legal guardian. The legal guardian
- 3 appointed under this section is a caretaker in a judicially
- 4 created relationship between the child and caretaker that is
- 5 intended to be permanent and self-sustaining as evidenced by
- 6 the transfer to the caretaker of the following parental rights
- 7 with respect to the child:
- 8 (i) Care, custody, and control of the child.
- 9 (ii) Decision making concerning the child's upbringing.
- 10 (F) Placement of the child in another planned, permanent
- 11 living arrangement.
- 12 (2) A time schedule for implementing the applicable provisions of
- 13 the permanency plan.
- 14 (3) Provisions for temporary or interim arrangements for care and
- 15 custody of the child, pending completion of implementation of the
- 16 permanency plan.
- 17 (4) Other items required to be included in a case plan under
- 18 IC 31-34-15 or federal law, consistent with the permanent or long
- 19 term arrangements described by the permanency plan.
- 20 (d) A juvenile court may approve a permanency plan if:
- 21 (1) a person described in subsection ~~(a)(1)~~ or ~~(a)(2)~~ **(a)** has:
- 22 (A) committed an act resulting in a substantiated report of
- 23 child abuse or neglect; or
- 24 (B) been convicted or had a juvenile adjudication for:
- 25 (i) reckless homicide (IC 35-42-1-5);
- 26 (ii) battery (IC 35-42-2-1) as a Class C or D felony;
- 27 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D
- 28 felony;
- 29 (iv) arson (IC 35-43-1-1) as a Class C or D felony;
- 30 (v) a felony involving a weapon under IC 35-47 or
- 31 IC 35-47.5 as a Class C or D felony;
- 32 (vi) a felony relating to controlled substances under
- 33 IC 35-48-4 as a Class C or D felony; or
- 34 (vii) a felony that is substantially equivalent to a felony
- 35 listed in items (i) through (vi) for which the conviction was
- 36 entered in another state; and
- 37 (2) the court makes a written finding that the person's commission
- 38 of the offense, delinquent act, or act of abuse or neglect described

1 in subdivision (1) is not relevant to the person's present ability to
2 care for a child, and that approval of the permanency plan is in the
3 best interest of the child.

4 However, a court may not approve a permanency plan if the person has
5 been convicted of a felony listed in IC 12-17.4-4-11 that is not
6 specifically excluded under subdivision (1)(B), or has a juvenile
7 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
8 if committed by an adult that is not specifically excluded under
9 subdivision (1)(B).

10 (e) In making its written finding under subsection (d), the court shall
11 consider the following:

12 (1) The length of time since the person committed the offense,
13 delinquent act, or act that resulted in the substantiated report of
14 abuse or neglect.

15 (2) The severity of the offense, delinquent act, or abuse or neglect.

16 (3) Evidence of the person's rehabilitation, including the person's
17 cooperation with a treatment plan, if applicable."

18 Page 70, between lines 12 and 13, begin a new paragraph and insert:

19 "SECTION 176. IC 31-37-17-6.1 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.1. (a) The
21 predispositional report prepared by a probation officer or caseworker
22 shall include the following information:

23 (1) A description of all dispositional options considered in
24 preparing the report.

25 (2) An evaluation of each of the options considered in relation to
26 the plan of care, treatment, rehabilitation, or placement
27 recommended under the guidelines described in section 4 of this
28 chapter.

29 (3) The name, occupation and position, and any relationship to the
30 child of each person with whom the preparer of the report
31 conferred as provided in section 1.1 of this chapter.

32 (b) If a probation officer or a caseworker is considering an
33 out-of-home placement, including placement with a blood or an
34 adoptive relative caretaker, the probation officer or caseworker must
35 conduct a criminal history check (**as defined in IC 31-9-2-22.5**) for
36 each person who:

37 (1) is currently residing in the location designated as the
38 out-of-home placement; or

(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 177. IC 31-37-19-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) Except as provided in subsection (c), the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is:

(1) currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter; or

(2) reasonably expected to be residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order the probation officer or caseworker who prepared the predispositional report to conduct a criminal history check (**as defined in IC 31-9-2-22.5**) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11

1 if committed by an adult, or has a conviction for a felony listed in
 2 IC 12-17.4-4-11. However, the juvenile court is not required to order
 3 a criminal history check under this section if criminal history
 4 information under IC 31-37-17-6.1 establishes whether a person
 5 described in subsection (a)(1) or (a)(2) has committed an act resulting
 6 in a substantiated report of child abuse or neglect, has a juvenile
 7 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
 8 if committed by an adult, or has a conviction for a felony listed in
 9 IC 12-17.4-4-11.

10 (c) The juvenile court may enter a dispositional decree placing a
 11 child in another home under section 1(3) or 6(b)(2)(D) of this chapter
 12 or awarding wardship to the county office of family and children that
 13 results in a placement with a person under section 1(4) or 6(b)(2)(E) of
 14 this chapter if:

15 (1) a person described in subsection (a)(1) or (a)(2) has:

16 (A) committed an act resulting in a substantiated report of
 17 child abuse or neglect; or

18 (B) been convicted or had a juvenile adjudication for:

19 (i) reckless homicide (IC 35-42-1-5);

20 (ii) battery (IC 35-42-2-1) as a Class C or D felony;

21 (iii) criminal confinement (IC 35-42-3-3) as a Class C or D
 22 felony;

23 (iv) arson (IC 35-43-1-1) as a Class C or D felony;

24 (v) a felony involving a weapon under IC 35-47 or
 25 IC 35-47.5 as a Class C or D felony;

26 (vi) a felony relating to controlled substances under
 27 IC 35-48-4 as a Class C or D felony; or

28 (vii) a felony that is substantially equivalent to a felony
 29 listed in items (i) through (vi) for which the conviction was
 30 entered in another state; and

31 (2) the court makes a written finding that the person's commission
 32 of the offense, delinquent act, or act of abuse or neglect described
 33 in subdivision (1) is not relevant to the person's present ability to
 34 care for a child, and that entry of a dispositional decree placing the
 35 child in another home is in the best interest of the child.

36 However, a court may not enter a dispositional decree placing a child
 37 in another home under section 1(3) or 6(b)(2)(D) of this chapter or
 38 awarding wardship to the county office of family and children if the

1 person has been convicted of a felony listed in IC 12-17.4-4-11 that is
 2 not specifically excluded under subdivision (1)(B), or has a juvenile
 3 adjudication for an act that would be a felony listed in IC 12-17.4-4-11
 4 if committed by an adult that is not specifically excluded under
 5 subdivision (1)(B).

6 (d) In making its written finding under subsection (c), the court shall
 7 consider the following:

8 (1) The length of time since the person committed the offense,
 9 delinquent act, or act that resulted in the substantiated report of
 10 abuse or neglect.

11 (2) The severity of the offense, delinquent act, or abuse or neglect.

12 (3) Evidence of the person's rehabilitation, including the person's
 13 cooperation with a treatment plan, if applicable."

14 Page 70, between lines 21 and 22, begin a new paragraph and insert:

15 "SECTION 179. IC 31-39-2-13.5 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. The records of
 17 the juvenile court are available without a court order to an employee of
 18 the division of family and children, a caseworker, or a juvenile
 19 probation officer conducting a criminal history check (**as defined in**
 20 **IC 31-9-2-22.5**) under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to
 21 determine the appropriateness of an out-of-home placement for a:

22 (1) child at imminent risk of placement;

23 (2) child in need of services; or

24 (3) delinquent child."

25 Page 70, between lines 32 and 33, begin a new paragraph and insert:

26 "SECTION 181. IC 33-24-6-4 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) The division of
 28 state court administration shall establish and administer an office of
 29 guardian ad litem and court appointed special advocate services. The
 30 division shall use money it receives from the state general fund to
 31 administer the office. If funds for **volunteer** guardian ad litem and court
 32 appointed special advocate programs are appropriated by the general
 33 assembly, the division shall provide matching funds to counties that ~~are~~
 34 ~~required to~~ implement and administer, in courts with juvenile
 35 jurisdiction, a **volunteer** guardian ad litem ~~and or~~ court appointed
 36 special advocate program for children who are alleged to be victims of
 37 child abuse or neglect under IC 31-33. Matching funds must be
 38 distributed in accordance with the provisions of section 5 of this

chapter. A county may use these matching funds to supplement amounts that are collected as fees under IC 31-40-3-1 and used for the operation of **volunteer** guardian ad litem and court appointed special advocate programs. The division may use its administrative fund to provide training services and communication services for local officials and local guardian ad litem and court appointed special advocate programs. The county fiscal body shall appropriate adequate funds for the county to be eligible for matching funds under this section.

(b) Matching funds provided to a county under this section shall be used for **volunteer** guardian ad litem and court appointed special advocate programs and may be deposited in the county's guardian ad litem or court appointed special advocate fund described in IC 31-40-3.

(c) Any matching funds appropriated to the division of state court administration that are not used before July 1 of each fiscal year do not revert but shall be redistributed under this section on July 1. The division shall redistribute the funds among counties providing **volunteer** guardian ad litem and court appointed special advocate programs that are entitled to receive matching funds.

(d) Money appropriated to the division of state court administration does not revert at the end of a state fiscal year to the state general fund.

(e) Only volunteer guardian ad litem or court appointed special advocate programs certified by the supreme court are eligible for funding under this section.

SECTION 182. IC 33-24-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) If appropriated by the general assembly, the division of state court administration shall grant to each county with a **volunteer** guardian ad litem or court appointed special advocate program an annual appropriation calculated under the following formula:

STEP ONE: Deduct the annual appropriation to the division of state court administration for administrative expenses.

STEP TWO: Ascertain the number of children in need of services in each county, as determined by the office of family and children, during the preceding state fiscal year.

STEP THREE: Divide the result under STEP TWO by the total number of children in need of services in Indiana, as determined by the office of family and children, during the preceding fiscal year.

1 STEP FOUR: Multiply the result under STEP THREE by the
2 remaining state match appropriation.

3 (b) If, under subsection (a), a county's grant would result in a grant
4 of two thousand dollars (\$2,000) or less, the county is entitled to
5 receive a grant of two thousand dollars (\$2,000). After subtracting the
6 state match appropriation distributed to these counties from the total
7 remaining state appropriation, the division of state court administration
8 shall distribute the remaining state appropriation under the following
9 formula:

10 STEP ONE: Subtract the total number of children in need of
11 services in the counties covered under subsection (a) from the
12 total number of children in need of services in Indiana as
13 determined by the office of family and children during the
14 preceding state fiscal year.

15 STEP TWO: Divide the number of children in need of services in
16 each of the counties not covered under subsection (a) by the result
17 under STEP ONE.

18 STEP THREE: Multiply the result under STEP TWO by the total
19 remaining state match appropriation.

20 STEP FOUR: Distribute the result under STEP THREE to each
21 county not covered under subsection (a).".

22 Page 71, line 31, after "IC 12-7-2-16;" insert "IC 12-17.4-3-12;
23 IC 12-17.4-4-15; IC 12-17.4-5-12; IC 12-17.4-6-11;".

24 Page 71 line 32, after "IC 12-19-7.5-10;" insert "IC 31-9-2-29.7;".

25 Page 72, line 11, delete "the" and insert "a".

26 Page 72, line 12, delete "services" and insert "service".

27 Page 72, line 17, delete "IC 12-13-1-1" and insert "**IC 12-13-1-1,**
28 **before its amendment by this act,**".

29 Page 73, line 15, delete "and".

30 Page 75, between lines 35 and 36, begin a new paragraph and insert:

31 **"(b) A reference in the following statutes to the division of family**
32 **and children shall be construed as a reference to the department of**
33 **child services established by IC 31-33-1.5:**

34 **(1) IC 12-13-13.**

35 **(2) IC 12-13-15.**

36 **(3) IC 12-13-15.1.**

37 **(4) IC 12-17-1.**

38 **(5) IC 12-17-3.**

- 1 **(6) IC 12-17-8.**
- 2 **(7) IC 12-17-9.**
- 3 **(8) IC 12-17-10.**
- 4 **(9) IC 12-17-11.**
- 5 **(10) IC 12-17-16.**
- 6 **(11) IC 12-17.4.**
- 7 **(12) IC 12-19-1-11.**
- 8 **(13) IC 12-19-1-14.**
- 9 **(14) IC 20-8.1-6.1-5.5.**
- 10 **(15) IC 31-19.**
- 11 **(16) IC 30 through IC 31-40 that are duties, functions, or**
- 12 **responsibilities of the department of child services under**
- 13 **IC 31-33-1.5."**
- 14 Page 75, line 36, delete "(b)" and insert "(c)".
- 15 Page 76, between lines 36 and 37, begin a new paragraph and insert:
- 16 "SECTION 196. [EFFECTIVE JULY 1, 2005] **(a) As used in this**
- 17 **SECTION, "office" refers to the office of Medicaid policy and**
- 18 **planning established by IC 12-8-6-1.**
- 19 **(b) As used in this SECTION, "special needs adopted child"**
- 20 **means a child who:**
- 21 **(1) has been adopted by an individual; and**
- 22 **(2) has been diagnosed with a mental illness, including an**
- 23 **emotional or behavioral condition, by a psychologist licensed**
- 24 **under IC 25-33 or a psychiatrist licensed under IC 25-22.5.**
- 25 **(c) As used in this SECTION, "waiver" refers to a Medicaid**
- 26 **waiver allowed under the federal Social Security Act.**
- 27 **(d) Before September 1, 2005, the office shall apply to the United**
- 28 **States Department of Health and Human Services for a waiver to**
- 29 **allow the office to:**
- 30 **(1) disregard parental income for Medicaid eligibility**
- 31 **purposes if the parental income exceeds three hundred fifty**
- 32 **percent (350%) and is less than one thousand one percent**
- 33 **(1001%) of the federal income poverty level; and**
- 34 **(2) adopt a cost participation plan if the parental income**
- 35 **exceeds three hundred fifty percent (350%) and is less than**
- 36 **one thousand one percent (1001%) of the federal income**
- 37 **poverty level;**
- 38 **and provide coverage of mental health services for a special needs**

1 **adopted child who is less than nineteen (19) years of age.**

2 **(e) The office may not implement the waiver until the office files**
 3 **an affidavit with the governor attesting that the federal waiver**
 4 **applied for under this SECTION is in effect. The office shall file the**
 5 **affidavit under this subsection not later than five (5) days after the**
 6 **office is notified that the waiver is approved.**

7 **(f) If the office receives a waiver applied for under subsection (d)**
 8 **and the governor receives the affidavit filed under subsection (e),**
 9 **the office shall implement the waiver not more than sixty (60) days**
 10 **after the governor receives the affidavit.**

11 **(g) The office may adopt rules under IC 4-22-2 necessary to**
 12 **implement this SECTION.**

13 **(h) This SECTION expires December 31, 2012."**

14 Page 77, line 11, delete "(b)" and insert "(B)".

15 Page 78, between lines 7 and 8, begin a new paragraph and insert:
 16 "SECTION 193. [EFFECTIVE JULY 1, 2005] **(a) The department**
 17 **of child services shall submit a report to the legislative council and**
 18 **the health finance commission established by IC 2-5-23-3 that**
 19 **contains statistics concerning the education levels and salaries of**
 20 **all:**

21 **(1) child protection caseworkers and child welfare**
 22 **caseworkers; and**

23 **(2) child protection caseworker and child welfare caseworker**
 24 **supervisors;**

25 **by September 1, 2005.**

26 **(b) The report required by subsection (a) must be in an**
 27 **electronic format under IC 5-14-6.**

28 **(c) This SECTION expires December 31, 2005.**

29 SECTION 194. [EFFECTIVE JULY 1, 2005] **(a) The department**
 30 **of education, in cooperation with the department of child services,**
 31 **the department of correction, and the division of mental health and**
 32 **addiction, shall submit a joint report not later than June 1, 2006,**
 33 **to the legislative council and the commission on mental health**
 34 **concerning the implementation of IC 12-13-16, as added by this act.**

35 **(b) The report required by subsection (a) must be in an**
 36 **electronic format under IC 5-14-6.**

37 **(c) This SECTION expires July 1, 2006."**

38 Renumber all SECTIONS consecutively.

(Reference is to SB 529 as reprinted March 1, 2005.)

and when so amended that said bill do pass.

Representative Budak